

REMARKS

Claims 4, 5, 34, and 36 have been amended better to point out that which applicants regard as their invention. The changes to claims 4, 5, and 34 are minor ones being merely housekeeping matters that should have been undertaken in the last reply.

Claim 36 (the independent claim) has been revised to state that (1) the recessed portion along an edge of the opening of the upper wall of the container body is on a side of a free edge of a hinged lid, (2) the side wall on the container body is integral with and extends in a diverging manner from the upper wall, and (3) the hinged lid is pivotally attached to the container body in the vicinity of the opening.

The rejection of claims 4 to 6 and 8 to 36 under 35 USC 103 is unpatentable over Hiroki et al. (JP '725) in view of JP '083 and the newly cited patent to Ishikawa et al. '912, if applied to the claims as amended, is respectfully traversed. Both Hiroki et al. (JP '725) and JP '043 were cited in the first Office Action and discussed in the Amendment filed December 6, 2000. The Examiner is referred to that document for previous distinguishing arguments.

Ishikawa et al. '912 is cited to show a container having a lid operating device, the Examiner citing Figs. 3B and 3C for that proposition. (Ishikawa et al. '912 is related to Hiroki et al. (JP '725); see the foreign application priority data of the former

and note the similarity among the Fig. 3 drawings of both references.) The Examiner thus concludes that it would have been obvious to place such a device in the container formed by a combination of Hiroki et al. (JP '725) and JP '043 "in order to better lock and easily release the lid."

Applicants respectfully submit that the references do not teach or suggest the subject matter of the present claims. Applicants point out that the claims as revised now call for (1) the side wall to extend from the upper wall in a diverging manner to define an open lower end, (2) the recessed portion to be provided along an edge of the opening of the upper wall on the side of the free edge of the hinged lid, and (3) the operating device to be provided in the recessed portion and having a latching part for engaging the locking part of the hinged lid.

Having the side wall extend in a diverging manner gives a container body that makes it easier to insert or remove contents therefrom.

The placement of the recessed portion along an edge of the opening of the upper wall on the side of the free edge of the hinged lid and providing the operating device in the recessed portion and with a latching part to engage the locking part of the hinged lid gives a container wherein the operating device can be prevented from projecting outwardly from the container body. When

the lid operating device is operated in the recessed portion, the operating device can move the latching away from the locking part and release the lid. Applicants respectfully submit that these advantages are neither taught nor suggested in the cited references. The rejection should be withdrawn.

The rejection of claim 7 under 35 USC 103 as unpatentable over Hiroki et al. (JP '725) in view of JP '043 and Ishikawa et al. '912 further in view of Mejias '744 is respectfully traversed. The fourth reference is cited to show a packing between inner and outer ribs. The reference, however, does not overcome the deficiencies of the three other references, those common deficiencies having been discussed above. The rejection should be withdrawn as well.

In view of the foregoing revisions and remarks, it is respectfully submitted that claims 4 to 36 are in condition for allowance and a USPTO paper to those ends is earnestly solicited.

The Examiner is asked to list the references provided with the Information Disclosure Statement filed December 6, 2000.

The Examiner is requested to telephone the undersigned if additional changes are required in the case prior to allowance.

Respectfully submitted,

PARKHURST & WENDEL, L.L.P.

August 26, 2001
Date

Charles A. Wendel

Charles A. Wendel

Registration No. 24,453

CAW/ch

Attorney Docket No.: DAIN:513

PARKHURST & WENDEL, L.L.P.
1421 Prince Street, Suite 210
Alexandria, Virginia 22314-2805
Telephone: (703) 739-0220

MARKED-UP CLAIMS



4. ^(Amended) The container with a hinged lid according to claim wherein ³⁶ the operating device can be removed from the container body.

5. ^(Amended) The container with a hinged lid according to claim ^[1] wherein ³⁷ the hinged lid is provided on its base end part with a pivot shaft, the pivot shaft is fitted in bottomed holes formed in the container body.

34. ^(The Amended) ^{The} ³⁶ ~~the~~ container with a hinged lid according to claim wherein a central part of the bottom wall is raised.

RECEIVED
AUG 30 2001
3700 MAIL ROOM

~~REDACTED~~ ~~REDACTED~~

(Amended)

to define an open lower end;

--36. A container with a hinged lid comprising:

a container body having ⁽¹⁾ an upper wall with an opening defined therein, ⁽²⁾ a recessed portion along an edge of the opening of the upper wall, ⁽³⁾ on a side of a free edge of a hinged lid defined herein the recessed portion forming a plane parallel and below the upper wall, ^{and (3)} a side wall integral with and extending perpendicularly ^{in a diverging manner} from the upper wall, and a bottom wall covering ^{the open lower end} a plane defined by extended edges of the side wall;

a hinged lid pivotally attached to the ^{the open lower end} side wall, ^{the lid opening} the lid ^{hinged} obstructing at least one edge of the opening of the upper wall, the

^{hinged} lid positionable to cover the opening of the upper wall;

an elastic biasing means between the hinged lid and the ^{container} body, whereby the biasing means urges the ^{hinged} lid away from the opening of the upper wall into an open position;

locking means on a free edge of the hinged lid; and

[an] ^{a lid} operating device [having a vertical wall attached to] ^{provided in} the recessed portion, [the vertical wall rising toward the upper wall, a horizontal strip attached to the vertical wall, the strip extending away from the body,] ^{hinged} a latching part [on a side of the vertical wall] facing the interior of the container, ^{body} the latching part for engaging the locking ^{means} [part] whereby the latching part releases the locking part when the [strip is urged towards the plane

operating device is operated in the
formed by] recessed portion, thereby moving the [vertical wall and
the] latching part away from the locking [part], and releasing the *hinged*
lid.-- *means*

Claim 6, line 2, change "1" to --36--.

Claim 8, line 2, change "1" to --36--.

Claim 9, line 2, change "1" to --36--.

Claim 10, line 2, change "1" to --36--.

Claim 11, line 2, change "1" to --36--; and
line 4, change "disposed at a position" to --
positioned--.

Claim 14, line 2, change "1" to --36--; and
line 3, after "has" insert --a--.